IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

APPEAL FROM ORDER NO.104 OF 1999

Jamal Ahmad Muneem Siddiqui ... Appellant

V/s.

Mehtab Aalam Niyaz Ahmad
Shaikh Alias Nanhebhai ... Respondent

Mr.K.S. Dewal for Appellant

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **DECEMBER 15, 2004**

ORAL JUDGMENT:

. The present Appeal from Order has been filed against an order dated 19.12.1998 whereby the parties have been directed to maintain status quo in respect of the suit building bearing House No.69 constructed on Survey No.95/1, Narpoli, Bhiwandi till the decision in the suit. It appears that the plaintiff, who is the respondent in the present appeal, had filed the suit for a declaration and an injunction against the appellant-defendant. The plaintiff had prayed for an injunction restraining the defendant from interfering with the execution of the suit agreement dated 6.6.1997. Certain other reliefs were also claimed. The plaintiff filed an application under Order 39 Rules 1 and 2 and under section 151 of the Code of Civil Procedure claiming interim relief pending the suit. The defendant besides filing a written statement also filed a counter

claim for Rs.51,000/- together with interest @ 18% per annum and for possession. While deciding the applications made under Exhibit 5 and 28 filed by the plaintiff and the defendant respectively, the trial Court directed the parties to maintain status quo as on the date of the order.

2. It appears that certain civil applications were filed by the plaintiff seeking certain reliefs including permission to repair the building. On 23.3.1999 after hearing the parties on the civil application, this Court directed that the status quo in all respects was to be maintained during the pendency of the appeal.

3. On a consideration of the order and the facts as aforestated, I am of view that the order directing the parties to maintain status quo in all respects which has been in operation from 23.3.1999 could be continued till the suit itself is disposed of. The suit is of the year 1998. Accordingly, the parties are directed to maintain status quo in all respects as directed by the order of 23.3.1999 pending the hearing and disposal of the suit being Special Suit No.498 of 1998.

4. Appeal from Order is disposed of accordingly.